UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
ZHOU, YONG

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 June 2008</u>.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-13</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-13</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Monot, Philippe (US Patent No. 5,708,778), referred to herein as Monot, in view of Chu,

Steve et al. (US 2004/0186689), referred to herein as Chu.

Regarding claim 1, Monot teaches a method of configuring a local LAPB device

in accordance with a remote LAPB device (automatic configuration… LAPB, col. 9, lines

38-39), said method comprising:

providing a received frame from said remote LAPB device (col. 2, lines 18-20,

wherein the answer is received from the network equipment device in response to any

prior probe frames from local data terminal device);

automatically configuring the data terminal parameters from the answer frame

received from the data communication equipment (DCE) (col. 1, lines 61-64, and col. 2,

lines 52-56)

Monot indicates that the invention is also for automatically configuring similar

network devices in addition to data terminals (col. 1, lines 52-53), wherein the "similar

network devices" can be interpreted as a DCE as the term "network equipment device" refers to DCE in the reference (col. 2, line 18).

However, Monot does not specifically teach that a local device can be configured as a data terminal equipment device (DTE) or data computing equipment device (DCE) depending on whether the remote device is a DCE or DTE.

Chu teaches that a device can auto-detect whether the device connected at the other end of the connection is DCE or DTE and automatically launch the correct software required to support either a DTE or DCE connection to interface with the other end properly (Fig. 3, col. 3, lines 6-10 and 66-67 through col. 4, line 4).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine teachings from Chu into the Monot invention to configure a local device's mode of operation, DTE or DCE, depending on the type of the remote device, DTE or DCE, to allow proper communication with the remote device.

Regarding claim 5, Monot teaches an apparatus for configuring a local LAPB device in accordance with a remote LAPB device (automatic configuration… LAPB, col. 9, lines 38-39), said apparatus comprising:

a communication port (Fig. 2, #201) receiving a data signal originating from said remote LAPB device and for providing at least one part of said received data signal (col. 2, lines 18-20, wherein the answer is received from the network equipment device (referring to DCE) in response to any prior probe frames from DTE);

a memory (Fig. 2, #203, #208) for storing data identifying at least one of a data

computing equipment device and a data terminal equipment device (col. 3, lines 58-60,

wherein memory includes the layer 2 configuration parameters data store #208); and

a processing unit (Fig. 2, #200) for receiving said at least one part of said

received data signal, determining whether said at least one part of said received data

signal is indicative of one of a data computing equipment device and a data terminal

equipment device using said data stored in said memory and providing a configuration

signal to said local LAPB device (col. 1, lines 61-64, col. 3, lines 53-55, wherein the

processor executes the automatic configuration program to configure the local LAPB

device based on received information from (DCE) and known DCE behavior).

Monot indicates that the invention is also for automatically configuring similar

network devices in addition to data terminals (col. 1, lines 52-53), wherein the "similar

network devices" can be interpreted as a DCE as the term "network equipment device"

refers to DCE in the reference (col. 2, line 18).

However, Monot does not specifically teach that a local device can be configured

as a data terminal equipment device (DTE) or data computing equipment

device (DCE) depending on whether the remote device is a DCE or DTE.

Chu teaches that a device can auto-detect whether the device connected at the

other end of the connection is DCE or DTE and automatically launch the correct

software required to support either a DTE or DCE connection to interface with the other

end properly (Fig. 3, col. 3, lines 6-10 and 66-67 through col. 4, line 4).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine teachings from Chu into the Monot invention to a local device's mode of operation, DTE or DCE, depending on the type of the remote device, DTE or DCE, to allow proper communication with the remote device.

Regarding claim 9, Monot teaches a method of configuring a first device coupled with a second device in a network of devices, the method comprising:

receiving a first signal from the second device (col. 2, lines 18-20, wherein the answer is received from the network equipment device (referring to DCE) in response to any prior probe frames from DTE);

evaluating the received first signal to determine its configuration parameters (col. 1, lines 61-64, col. 3, lines 53-55, col. 7, lines 3-6, wherein the local device checks the answer received form the DCE and configures itself based on received information from (DCE) and known DCE behavior).

However, Monot does not specifically teach that a local device can be configured as a data terminal equipment device (DTE) or data computing equipment device (DCE) depending on whether the remote device is a DCE or DTE type.

Chu teaches that a device can auto-detect whether the device connected at the other end of the connection is DCE or DTE and automatically launch the correct software required to support either a DTE or DCE connection to interface with the other end properly (Fig. 3, col. 3, lines 6-10 and 66-67 through col. 4, line 4).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine teachings from Chu into the Monot

invention to configure a local device's mode of operation, DTE or DCE, depending on

the type of the remote device, DTE or DCE, to allow proper communication with the

remote device.

Regarding claim 2, Monot further teaches monitoring to detect an initiator signal

for an asynchronous balanced mode provided by said remote LAPB device and when

no initiator signal for asynchronous balanced mode is detected for a given first time

period, providing an initiator signal for asynchronous balanced mode to said remote

LAPB device (SABM/SABME command, col. 10, line 1; wherein the LAPB

asynchronous balanced mode is initiated by the SABM/SABME command frame).

Regarding claim 3, Monot further teaches that said monitoring to detect said

initiator for an asynchronous balanced mode from said remote LAPB device is

performed during a given time limit (col. 7, lines 5-6).

Regarding claim 4, Monot further teaches providing said given time limit (col. 7,

lines 5-6).

Regarding claim 6, Monot further teaches that said communication port

provides an initiator signal for an asynchronous balanced mode to said remote LAPB

device in the case where no data signal is provided by said remote LAPB device for a

given period of time (col. 4, lines 20-22, and col. 10, lines 1-3, wherein the probe sent

from the DTE is before data is received form the remote end; the SABM/SABE

command sent to the DCE is to initiate the asynchronous balanced mode and trigger

the response from the DCE).

Regarding claim 7, Monot further teaches that said communication port is comprised in said local LAPB device (Fig. 2, #201).

Regarding claim 8, Monot further teaches that said communication port is comprised in said local LAPB device (Fig. 2, #201).

Regarding claim 10, Monot further teaches:

determining whether the first signal is received from the second device prior to expiration of a first predetermined time period (timeout, col. 7, lines 3-6, col. 8, lines 8-9, col. 10, lines 42-44); and

if the first signal is not received prior to expiration of the first predetermined time period, sending a second signal to the second device (col. 6, lines 40-42, col. 10, lines 46-49m wherein the next probe signal is sent to the second in case of timeout).

Regarding claim 11, Monot further teaches:

determining whether the third signal is received from the second device in response to the second signal prior to expiration of a second predetermined time period (col. 7, lines 3-6, col. 8, lines 8-9, wherein timer is set for waiting an answer to each probe); and

if the third signal is not received prior to expiration of the second predetermined time period, setting a status of the first device to indicate a failure to receive a signal from the second device (col. 8, lines 8-14, wherein no signal may be received from the second device due to the failure in the physical connection).

Regarding claim 12, Monot and Chu teach the limitations of claim 10.

Chu teaches that detected signal received from the other end of connection is an

indicator signal for type of option mode for the other connected device and is used to

determine the type of operation mode to be the first mode of operation for the local

device (Fig. 3, col. 3, lines 6-10).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to combine teachings from Chu into the Monot

invention to use the received signal from the other connected device to be an indicator

for type of the operation mode for the other device to support automatic configuration.

Regarding claim 13, Monot and Chu teach the limitations of claim 9.

Monot does not specifically teach that the first type of device is a data terminal

equipment device and the second type of device is a data computing equipment device.

Chu teaches that the first type of device is a data terminal equipment device and

the second type of device is a data computing equipment device (Fig. 3, col. 3,

lines 6-10).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to combine teachings from Chu into the Monot

invention to include the data terminal equipment device type and data computing

equipment device type in the automatic configuration.

Response to Arguments

3.   Applicant's arguments, filed June 25, 2008, have been fully considered but they

are not persuasive.

Regarding claim 1, Applicant argues that the Examiner's characterization of claim

1 does not take note of the configuring of the local LAPB device with respect to the

determined type of device for remote LAPB device. In response, the Examiner

respectively disagrees with Applicant's arguments. As stated clearly in the previous

Office action, Monot does not specifically teach that LAPB device can be configured as

a data terminal equipment device (DTE) or data computing equipment device (DCE)

depending on whether the remote device is a DCE or DTE, although it does teach

configuring the local DTE based on information received from DCE. That is why the

secondary reference Chu was introduced to provide teachings for the missing features.

Regarding automatically configuring data terminals and similar network devices

stated in Monot (col. 2, lines 52-53), Applicant submitted an interpretation that would

equate "network devices" with data terminals or DTE devise. The Examiner

respectively disagrees with Applicant's interpretation. As Applicant quoted, Monot

states that "...at least one probe that is to be sent from a <u>terminal equipment</u> device to

<u>network equipment</u> device to which it is communicatively coupled..." (Emphasis added),

where the "terminal equipment" is interpreted by the Examiner to be in communication

with the "network equipment", or "network device".   Nevertheless, this was not used as

a substitute for the missing feature in Monto: configuring DCE to communicate with a

remote DTE. As stated above, that was why Chu was introduced.

Applicant argues that there is no teaching or suggestion in Chu that a local

device is configured as a DTE device when a DCE device is determined to be

remotely connected or, conversely, that the local device is configured to be a DCE

device when the remote device is determined to be a DTE device, as is recited in

independent claim 1. In response, the Examiner respectively disagrees with Applicant's

arguments. Chu teaches that a device can auto-detect whether the device connected at

the other end of the connection is DCE or DTE and automatically launch the correct

software required to support either a DTE or DCE connection to interface with the other

end properly (Fig. 3, col. 3, lines 6-10 and 66-67 through col. 4, line 4). Therefore,

combination of Mono and Chu meets the claim requirements.

Rest of Applicant's arguments is directed to a newly added limitation (matching

source port) in amended claim. These arguments have been considered but are,

therefore, moot in view of the new ground of rejection.

Conclusion

4.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yong Zhou whose telephone number is (571)270-3451. The examiner can normally be reached on Monday - Friday 8:00am - 5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chirag G. Shah can be reached on (571) 272-3144. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yong Zhou

September 2, 2008

/Chirag G Shah/
Supervisory Patent Examiner, Art Unit 2619